REMARKS

Claims 1-25 remain pending in the instant application. All claims presently stand rejected. Claims 1, 4, 5, 9, 10, 13, 17, and 20 are amended and claims 26-30 are canceled herein. Entry of this amendment and reconsideration of the pending claims are respectfully requested.

Specification

On page 2 of the Office Action mailed December 8, 2006, Examiner objects to the disclosure because of Applicants' use of the term "optimization ("OPT") header packet". The Examiner states that the term OPT header packet "needs to be adjusted in the Specifications so that such OPT network packet being parsed would be perceived as being implemented in a way different from standard TCP/IP pack configuration..." Applicants respectfully disagree and kindly remind the Examiner that it is well settled in U.S. patent law that applicants are entitled to act as their own lexicographers—that is, they can define their invention in whatever terms they choose, so long as any special meaning assigned to a term is clearly set forth in the specification. See MPEP §§ 2111.01 and 2173.01.

Applicants respectfully assert that the term "packet" has ordinary meaning consistent with Applicants use in the specification. For example, the term "packet" is defined at Dictionary.com as a small group or **package of anything**: e.g., a packet of letters. ("packet." Dictionary.com Unabridged (v 1.1). Random House, Inc. 15 Feb. 2007. <Dictionary.com http://dictionary.reference.com/browse/packet>). "Packet" is also defined at Merriam-Webster's online dictionary as a **small bundle or parcel** ("packet." Merriam-Webster Online Dictionary. Merriam-Webster, Inc. 15 Feb. 2007. <http://209.161.33.50/dictionary/packet>). Given the above ordinary definitions, Applicants' use of the term "packet" is clearly consistent with its ordinary meaning.

Furthermore, Applicants have clearly defined OPT header packet so as to reasonably convey to one of ordinary skill in the art, Applicants' intended meaning. For example, in paragraph [0021] of Applicants' specification the term "OPT header packet" is defined as a "data structure" broadcast over a network to "indicate to processing

systems...that an optimized library...is following". Also, FIG. 4 clearly shows that, in one embodiment, OPT header packet 310 includes PacketLength, ModuleType, and ModuleRevision fields, all of which are clearly defined in the specification (see Specification, [0022]). Thus, Applicants have set forth a definition with reasonable clarity such that one of ordinary skill in the art would be apprised of the term's intended meaning. Accordingly, Applicants respectfully request that the objection to the specification be withdrawn.

Claim Rejections – 35 U.S.C. §112

Claims 4-5 and 17 stand rejected under 35 U.S.C. §112, second paragraph as being indefinite. On page 3 of the Office Action mailed December 8, 2006, Examiner asserts that the term "optimization library" lacks sufficient antecedent basis. Examiner is thanked for bringing to Applicants' attention this inadvertent error. Accordingly, Applications have replaced the term "optimization library" with "optimized library" in the referenced claims. Thus, Applicants respectfully submit that claims 4-5 and 17 are now in conformance with 35 U.S.C. §112 and request the withdrawal of the §112 rejections.

Claim Rejections – 35 U.S.C. §102

Claims 1-3, 12-16, 20-21, and 23-30 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Patankar (US 2005/0021971).

A claim is anticipated only if each and every element of the claim is found in a single reference. M.P.E.P § 2131 (citing *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628 (Fed. Cir. 1987)). "The identical invention must be shown in as complete detail as is contained in the claim." M.P.E.P. § 2131 (citing *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226 (Fed. Cir. 1989)).

Independent claim 1, as amended, recites, inter alia, "...determining whether the optimized library corresponds to an application executing on the processing system in response to a library load request by the application..." Applicants respectfully submit

that Patankar fails to disclose this expressly recited element as is more fully explained below.

Patankar generally discloses a method of identifying software applications and enforcing software licenses. Specifically, Patankar discloses an application (i.e., executable code) as having an import table. Patankar, [0026]. This import table is disclosed as including a list of dynamic linked libraries (DLLs) that are associated with the Application. Patankar, [0026]. Patankar discloses that a unique identification of the application can be generated by retrieving the names of the functions included in each of the DLLs from the import table and then processed (e.g., concatenated and hashed) to produce a digital signature or fingerprint of that particular application. Patankar, [0027]

Patankar further discloses that digital signatures of prohibited applications are coded into a DLL of the operating system (e.g., kernel32.dll). Patankar, [0033]. In operation, Patankar discloses that when an application requests to be opened, the application server creates a verification signature of the requesting application in a similar manner as described above. The application server may then grant or deny the loading of the application based on a comparison of the verification signature with the list of prohibited digital signatures previously coded included into the DLL (e.g., kernel32.dll). Patankar, [0037]. Since Patankar is concerned with granting and denying the loading of software applications, Patankar fails to disclose determining whether an *optimized library corresponds to an application*. Furthermore, since the determination, in Patankar, of whether to load an application is in response to a request to *open an application*, Patankar also fails to disclose determining whether the optimized library corresponds to an application *in response to a library load request by the application.*

Independent claim 1, as amended, also recites, inter alia, "...utilizing a non-optimized library bound to the application if the optimized library does not correspond to the application..." Applicants respectfully submit that not only does Patankar fail to disclose determining whether the optimized library corresponds to an application, but it also fails to disclose utilizing a non-optimized library bound to the application if the optimized library does not correspond to the application.

As discussed above, Patankar discloses that if the requesting application's verification signature matches a signature on the application server's prohibited

application list, then the application is blocked from being loaded. Patankar, [0037]. Since Patankar discloses blocking the application from being loaded, Patankar fails to disclose utilizing a non-optimized library in response to a determination that the optimized library does not correspond to the application.

Consequently, Patankar fails to disclose each and every element of claim 1, as required under M.P.E.P. § 2131. Independent claims 13, 20, and 26 include similar novel elements as independent claim 1. Accordingly, Applicants request that the instant §102 rejections of claims 1, 13, 20, and 26 be withdrawn.

The dependent claims are novel over the prior art of record for at least the same reasons as discussed above in connection with their respective independent claims, in addition to adding further limitations of their own. Accordingly, Applicants respectfully request that the instant §102 rejections of the dependent claims also be withdrawn.

Claim Rejections – 35 U.S.C. §103

Claims 4-11, 17-19, and 22 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Patankar in view of Culter (US 2004/0243534).

If an independent claim is non-obvious under 35 U.S.C. §103, then any claim depending therefrom is also non-obvious. MPEP § 2143.03; In re Fine, 837 F.2d 1071 (Fed. Cir. 1988). As discussed above, claims 1, 13, and 20 are now in condition for allowance. Applicants respectfully submit that claims 4-11, 17-19, and 22 are therefore allowable by virtue of their dependence on allowable independent claims, as well as by virtue of the features recited therein. Applicants therefore respectfully request allowance of these claims.

CONCLUSION

In view of the foregoing amendments and remarks, Applicants believe the applicable rejections have been overcome and all claims remaining in the application are presently in condition for allowance. Accordingly, favorable consideration and a Notice of Allowance are earnestly solicited. The Examiner is invited to telephone the undersigned representative at (206) 292-8600 if the Examiner believes that an interview might be useful for any reason.

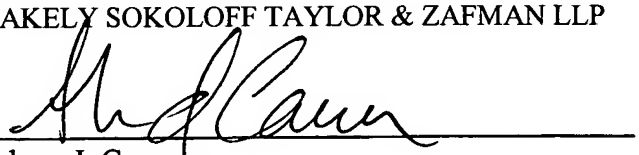
CHARGE DEPOSIT ACCOUNT

It is not believed that extensions of time are required beyond those that may otherwise be provided for in documents accompanying this paper. However, if additional extensions of time are necessary to prevent abandonment of this application, then such extensions of time are hereby petitioned under 37 C.F.R. § 1.136(a). Any fees required therefore are hereby authorized to be charged to Deposit Account No. 02-2666. Please credit any overpayment to the same deposit account.

Respectfully submitted,

BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP

Date: 3-1-2007



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